

ORDINANCE NO. 2003 - 063

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR PRIVATELY INITIATED AMENDMENT: **TURNER II (2003-0027 LGA)**, MODIFYING PAGE 90 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 17.96 ACRES, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND EL CLAIR RANCH ROAD, FROM MULTIPLE LAND USE (MLU) (COMMERCIAL LOW-OFFICE (CL-O) ON 5.64 ACRES & INSTITUTIONAL AND PUBLIC FACILITIES WITH AN UNDERLYING 8 UNITS PER ACRE (INST/8) ON 12.32 ACRES) WITH CONDITIONS TO MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) ON 11.81 ACRES & COMMERCIAL LOW-OFFICE (CL-O) ON 6.15 ACRES WITH CONDITIONS; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

**WHEREAS**, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

**WHEREAS**, the Palm Beach County Local Planning Agency conducted its public hearings on June 13 & 27 and July 11, 2003 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 21, 2003 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1           WHEREAS, Palm Beach County received on October 8, 2003 the  
2 Department of Community Affairs "Objections, Recommendations, and  
3 Comments Report," dated October 3, 2003 which was the Department's  
4 written review of the proposed Comprehensive Plan amendments; and

5           WHEREAS, the written comments submitted by the Department of  
6 Community Affairs contained no objections to the amendments contained  
7 in this ordinance; and

8           WHEREAS, on November 24, 2003 the Palm Beach County Board of  
9 County Commissioners held a public hearing to review the written  
10 comments submitted by the Department of Community Affairs and to  
11 consider adoption of the amendments; and

12           WHEREAS, the Palm Beach County Board of County Commissioners has  
13 determined that the amendments comply with all requirements of the  
14 Local Government Comprehensive Planning and Land Development  
15 Regulations Act.

16           NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18           Part I. Amendments to the Future Land Use Atlas of the Land Use  
19 Element of the 1989 Comprehensive Plan

20           The following amendments to the Land Use Element's Future Land  
21 Use Atlas are hereby adopted and attached to this Ordinance:

22           A.     Future Land Use Atlas page 90 is amended as follows:

23           Application No.:     Turner II (2003-0027 LGA)

24           Amendment:           From Multiple Land Use (MLU) (Commercial  
25                                   Low-Office (CL-O) on 5.64 acres &  
26                                   Institutional and Public Facilities with an  
27                                   underlying 8 units per acre (INST/8) on  
28                                   12.32 acres) to Medium Residential, 5 units  
29                                   per acre (MR-5) on 11.81 acres & Commercial  
30                                   Low-Office (CL-O) on 6.15 acres;

31           General Location:     Southwest corner of Boynton Beach Boulevard  
32                                   and El Clair Ranch Road;

33           Size:                 Approximately 17.96 acres;

34           Conditions: This site is subject to the following conditions:

- 35           1. Residential uses on the 11.81 acre MR-5 portion of the site  
36             shall be limited to a maximum of 4.34 units per acre;  
37



2. Office uses on the 6.15 acre CL-O portion of the site shall be limited to a maximum of 60,000 sq. ft. of medical and professional offices;
3. The development shall include a landscaped pathway/sidewalk system along Boynton Beach Boulevard and El Clair Ranch Road in order to provide shade/canopy for the pedestrian walkway; and
4. Pedestrian access shall be provided along El Clair Ranch Road from the MR-5 portion of the site to the CL-O portion of the site.

#### Part II. Repeal of Laws in Conflict

All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

#### Part III. Severability

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

#### Part IV. Inclusion in the 1989 Comprehensive Plan

The provision of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

#### Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184(1)(b), Florida Statutes, whichever is applicable. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Community Affairs, Division of Community Planning, Plan Processing Team. An adopted amendment whose effective date is delayed by law shall be considered part of the adopted plan until determined to be not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local  
2 government adopts a resolution affirming its effectiveness in the  
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of  
5 Palm Beach County, on the 24 day of November, 2003.

6  
7 ATTEST:

8 DOROTHY H. WILKEN, BECLERK

9 PALM BEACH COUNTY, FLORIDA,

10 BY ITS BOARD OF COUNTY COMMISSIONERS

11 By: Linda C. Hickman

12 Deputy Clerk

13 By: Karen T. Marcus

14 Karen T. Marcus, Chair

15 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

16 [Signature]  
17 COUNTY ATTORNEY

18  
19 Filed with the Department of State on the 3 day  
20 of December, 2003.

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22  
23  
24



EXHIBIT 1

**Amendment No.:** Turner II (2003-0027 LGA)

**FLUA Page No.:** 90

**Amendment:** From Multiple Land Use (MLU) (Commercial Low-Office (CL-O) on 5.64 acres & Institutional and Public Facilities with an underlying 8 units per acre (INST/8) on 12.32 acres) to Medium Residential, 5 units per acre (MR-5) on 11.81 acres & Commercial Low-Office (CL-O) on 6.15 acres.

**Location:** Southwest corner of Boynton Beach Boulevard and El Clair Ranch Road.

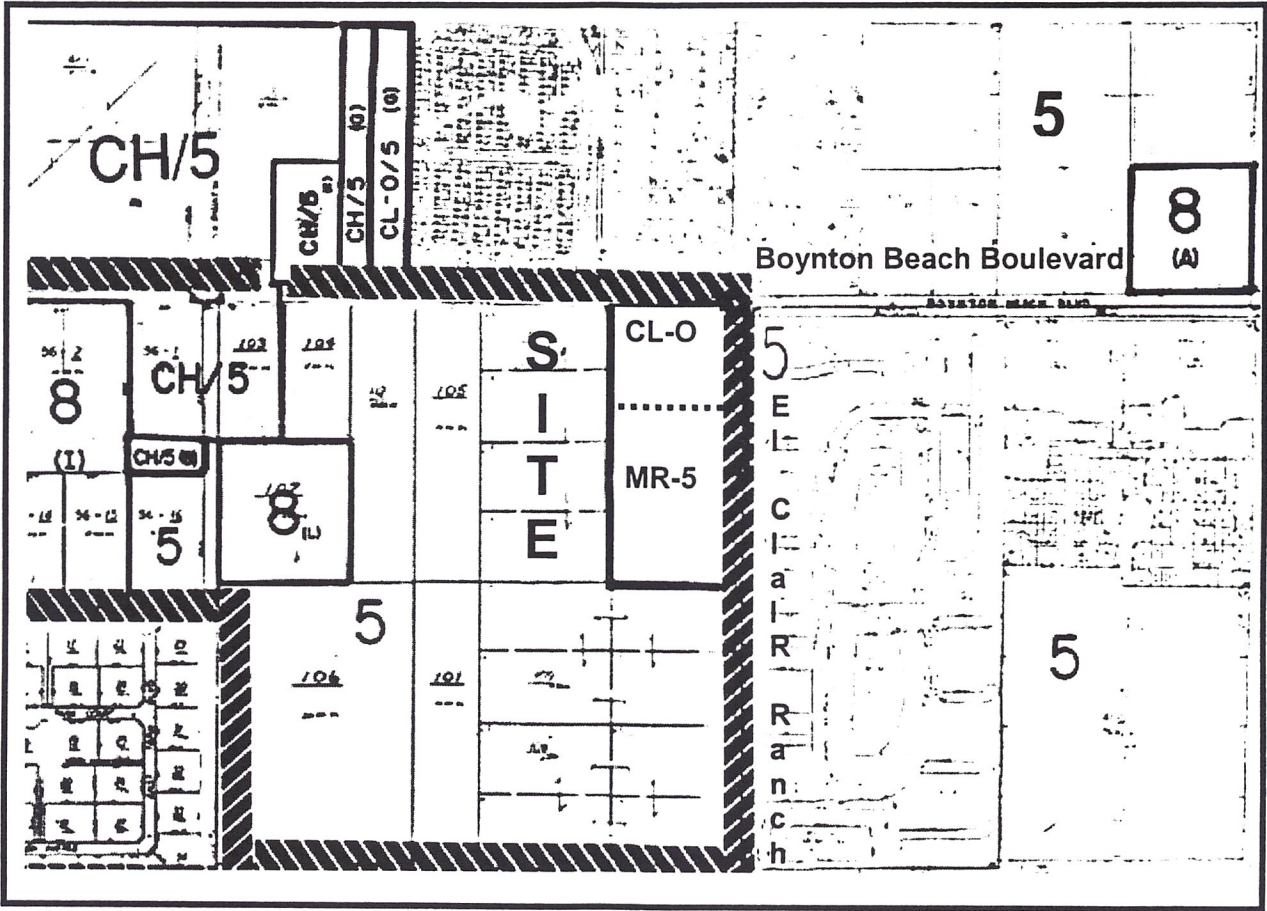
**Size:** Approximately 17.96 acres

**Property No.:** 00-42-45-27-00-000-1020

**Legal Des.:** See attached

**Conditions:**

- 1) Residential uses on the 11.81 acre MR-5 portion of the site shall be limited to a maximum of 4.34 units per acre;
- 2) Office uses on the 6.15 acre CL-O portion of the site shall be limited to a maximum of 60,000 sq. ft. of medical and professional offices;
- 3) The development shall include a landscaped pathway/sidewalk system along Boynton Beach Boulevard and El Clair Ranch Road in order to provide shade/canopy for the pedestrian walkway; and
- 4) Pedestrian access shall be provided along El Clair Ranch Road from the MR-5 portion of the site to the CL-O portion of the site.



## Legal Description

### OVERALL DESCRIPTION

All of the Plat of TURNER M.U.P.D., according to the Plat thereof, as recorded in Plat Book 96, pages 192 and 193 of the Public Records of Palm Beach County, Florida. Subject to easements, restrictions, covenants, reservations and rights-of-way of record and containing 782,532 square feet. (17.964 acres, more or less)

### LAND DESCRIPTION OF SOUTH (RESIDENTIAL) 11.81 ACRE

Tract OS-1, and portions of Tracts "A", BT-1, WM-1 and OS-2; TURNER M.U.P.D., according to the Plat thereof, as recorded in Plat Book 96, pages 192 and 193 of the Public Records of Palm Beach County, Florida; being more particularly described as follows:

BEGINNING at the Southeast corner of said Plat;  
thence South 89°37'29" West along the southerly line of said Plat, a distance of 625.40 feet;  
thence North 00°14'01" West along the westerly line of said Plat, a distance of 838.11 feet;  
thence North 89°37'29" East along a line parallel to the southerly line of said Plat, a distance of 604.42 feet;

- (1) thence South 00°15'59" East a distance of 464.58 feet;
- (2) thence North 89°37'29" East a distance of 20.50 feet;
- (3) thence South 00°15'59" East a distance of 373.53 feet to the POINT OF BEGINNING.

The three (3) previously-described courses being along the easterly lines of said Plat.  
Subject to easements, restrictions, covenants, reservations and rights-of-way of record and containing 514,427 square feet. (11.810 acres, more or less)

### LAND DESCRIPTION OF NORTH ( COMMERCIAL LOW-OFFICE) 6.15 ACRES

Tract B, C, BT2, BT3, OS3, Entrance Tract and portions of Tracts "A", BT-1, WM-1 and OS-2; TURNER M.U.P.D., according to the Plat thereof, as recorded in Plat Book 96, pages 192 and 193 of the Public Records of Palm Beach County, Florida; being more particularly described as follows:

COMMENCING at the Southeast corner of said Plat;

Thence South 89°37'29" West along the Southerly line of said Plat, a distance of 625.40 feet;  
Thence North 00°14'01" West along the Westerly line of said Plat, a distance of 838.11 feet to the

#### POINT OF BEGINNING:

Thence continue North 00°14'01" West along the Westerly line of said Plat, a distance of 442.64 feet to the Northwest corner of said Plat;  
Thence North 89°23'49" East, along the North line of said Plat, a distance of 589.70 feet to a point on the Northeasterly line of said Plat;  
Thence South 45°27'42" East, along said Northeasterly line, a distance of 20.40 feet to a point on the East line of said Plat;  
Thence South 00°15'59" East, along said East line, a distance of 430.59 feet;

Thence South 89°37'29" West, along a line parallel to the Southerly line of said Plat, a distance of 604.42 feet to the POINT OF BEGINNING.

Subject to easements, restrictions, covenants, reservations and rights-of-way of record.

Containing 268,105 Square Feet (6.1549 Acres, more or less).

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on November 24, 2003  
DATED at West Palm Beach, FL on 2/17/03  
DOROTHY H. WILKEN, Clerk  
By: Nancy Brown D.C.